

Amended Complaint

Case # 21-CV-05349-VB
[Tripathy v. Peuz et.al.]
SDNY

EXHIBIT D



Corrections and Community Supervision

SEX OFFENDER COUNSELING AND TREATMENT PROGRAM (SOCTP) GUIDELINES

APRIL 2018

APR 10-1

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Counseling. If the inmate is found to not have to readdress his sex offender counseling need, the status code Parole Violator-No Additional SOCTP Required (NSX) should be reflected on his or her Earned Eligibility Plan or Program Plan.

Regression Referral

A Regression Referral will be used to refer cases which meet criteria #11 and #12 to Central Office Guidance and Counseling. Upon submitting the referral, all pertinent documentation pertaining to the referral shall be submitted. Offenders meeting any of these criteria should not have the Regression (REG) status code reflected on their Earned Eligibility Plan or Program Plan unless determined by Central Office Guidance and Counseling SOCTP staff.

After reviewing the e-form referral and all pertinent documentation, Central Office Guidance and Counseling SOCTP staff will make a determination concerning an inmate's need for sex offender counseling and will send a decision to the requesting facility via the e-mail answer mode. If the inmate is found to be suitable for an assessed sex offender counseling need or suitable to readdress the sex offender counseling need, Central Office Guidance and Counseling SOCTP staff will update the inmate's Earned Eligibility Plan or Program Plan (when necessary) and/or activate the inmate on the proper SOCTP Required Program List (RPL). Facility staff will notify the inmate of any change in his or her Earned Eligibility Plan or Program Plan, file the received message, and make a chronological entry of the decision in the inmate's Guidance folder.

RISK ASSESSMENT AND PLACEMENT

TREATMENT RISK ASSESSMENT

*See Exhibit
No CBRI used now [I/I-6/I-7]
and no score for Petitioner*

During the reception process, inmates serving a sentence for a conviction for one or more offenses specified under MHL §10.03 (p) or an offense designated as a sexually motivated felony under Penal Law Section 130.91 may be assessed for initial treatment level placement by the New York State Office of Mental Health (OMH) using the Computerized Criminal History CCH-Based Risk Instrument (CBRI) and, possibly, a staff performed Sex Offender Treatment Needs Assessment. Though initial placement is determined through the CBRI, facility SOCTP clinical staff should complete a Static-99R to support proper placement once the inmate begins participation in the SOCTP.

*CBRI
↓
Static
99R*

Inmates with a need for sex offender counseling who have not had their initial treatment risk assignment assessed at reception or have not been convicted of a qualifying offense under MHL §10.03 (p) or Penal Law Section 130.91 will be assessed by Central Office Guidance and Counseling SOCTP staff or facility SOCTP clinical staff using the Static-99R instrument prior to or during their admission to the program. Upon completion of an initial risk assessment, participants will be assigned a treatment need designation of low, moderate, or high risk for sexual re-offending. Once an inmate has been assigned a risk level, the assigned ORC will

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ensure that the inmate has been placed on the proper RPL of 87C for low risk inmates or 87H for moderate and high-risk inmates.

Some participants eligible for the SOCTP may be subject to additional assessments (all risk assessments are to be completed in accordance with their intended use) and evaluations consistent with best practices in the field of sex offender counseling including but not limited to: The Stable 2007, Vermont Assessment of Sex Offender Risk (VASOR), Screening Scale for Pedophilic Interests, and Texas Christian University (TCU) Criminal Thinking Scales.

The completion of psychosexual evaluations for moderate and high-risk offenders is encouraged. Any questions regarding the utilization of the above assessments may be forwarded to SOCTP staff in Central Office Guidance and Counseling.

TREATMENT RISK ASSESSMENT OVERRIDES

Empirical research indicates there are limitations to actuarial assessment tools in assessing an appropriate level of treatment for some inmates requiring sex offender counseling. In cases where it is believed a risk level assignment does not appropriately capture the treatment needs for an inmate, any member of the treatment staff can submit a Risk Assessment Override (**ATTACHMENT 4**) to SOCTP staff in Central Office Guidance and Counseling for further assessment and a final risk level determination.

TRANSFER PROCEDURE

It is very important to provide sex offenders with statutorily mandated sex offender counseling in a timely fashion. Procedurally and according to best practices in the field of sex offending, inmates assessed with a sex offender counseling need will be placed in the SOCTP in close proximity to their qualifying release date. Inmates with earlier qualifying release dates will take priority for placement over inmates with later dates. Per Section 622 of Correction Law, participation in the SOCTP is coordinated to permit the completion of the program prior to civil management review for inmates convicted of SOMTA qualifying offenses.

All transfers of inmates into facilities for the SOCTP are overseen by the Office of Classification and Movement in collaboration with Central Office Guidance and Counseling.

The Department's automated transfer system schedules moderate and high-risk general population male inmates for appropriate placement into the SOCTP when they are within thirty-six (36) months of their Conditional Release Date and low risk general population male inmates when they are within eighteen (18) months of their Earliest Release Date. When an inmate is identified by the automated transfer system for SOCTP placement eligibility, a priority UTR is generated for transfer to a suitable facility offering the SOCTP. For time, eligible inmates already at correctional facilities with a suitable SOCTP, facility staff may be instructed via email to place the offender in their SOCTP providing available space exists.

Inmates in need of low, moderate, or high-risk sex offender counseling who reside in an ICP, SHU, PC, SNU, RMU, or RMHU, female inmates, and moderate and high-risk inmates serving indeterminate life terms will be manually reviewed for transfer into an SOCTP facility using Management reports provided by the Office of Information Technology Systems (ITS) and/or

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PROGRAM REFUSAL

An inmate unwilling to participate in the SOCTP based upon a claim that participation violates the inmate's Fifth Amendment rights will be construed as a refusal.

During the orientation process of the SOCTP, the TPRC will conduct interviews with any inmate who refuses to participate in the program. When inmates refuse participation in the SOCTP prior to being placed in the program, the assigned ORC will discuss the refusal with the inmate. At this time, the Program Refusal Notification form will be explained to the inmate by the particular staff member(s). Staff should detail the potential consequences to any Departmental program refusal such as the denial of Parole, the loss of Good Time, denial of Limited Credit Time Allowance (LCTA), denial of a Merit Time, Presumptive Release, and/or Earned Eligibility Program certificate, and ineligibility for an area of preference transfer. In addition, refusal to participate may affect placement in a program and/or honor housing, the Family Reunion Program, and/or a reduction in pay/grade assignment. Additionally, for inmates facing Civil Management review under Article 10 of the Mental Hygiene Law and/or the requirement to register as a sex offender under the Sex Offender Registration Act, the staff member(s) should take great care in explaining that a refusal to participate in the SOCTP may be viewed unfavorably by OMH Civil Management review staff and/or the NYS Board of Examiners of Sex Offenders. If the inmate refuses to sign the refusal form, a notation to that effect must be entered on the form. The refusal will be properly documented on all pertinent chronological entry forms in the Guidance, Community Supervision, and SOCTP (if applicable) folders. Additionally, the refusal shall be noted in the Earned Eligibility Plan or Program Plan and Section I of the custom fields in the inmate Case Plan. Copies of the documented refusal will also be filed in the Guidance, Community Supervision, and SOCTP (if applicable) folders.

A signed refusal form will remain valid until such time that an inmate decides that he or she would like to participate in the program. Any inmate who initially refused to participate in the SOCTP may subsequently, at any time, request to participate in the SOCTP. The inmate should notify his or her assigned ORC of the decision to rescind the refusal. For these cases, the ORC will change the status code from REF to RPL and activate the inmate on the appropriate SOCTP RPL. Once the RPL status code is established, the automated transfer system (or Central Office staff for specialized offender populations) will schedule the inmate for transfer. Office of Classification and Movement staff will arrange for the inmate to be placed into a suitable SOCTP for participation according to the inmate's SOCTP need and applicable release date as time and space permit.

TREATMENT DURATION

*Petitioner's Static 99R Score = 1
[See Exhibit-H/H-4]*

Current research and best practices in the field of sex offender treatment support the recommended treatment durations associated with the following treatment risk assignments:

→ Low Risk (Static-99R/CBRI score of 3 or less)	6 months
Moderate Risk (Static-99R/CBRI score of 4-5)	9 to 12 months
High Risk (Static-99R/CBRI score of 6 or more)	15 to 18 months

Participants in the SOCTP should not have their treatment plans extended beyond these time frames absent documentation supporting the extension and approval from Central Office

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[Signature]

SEXUAL HISTORY ASSIGNMENT

Due - asap ~~Read~~ / Submitted 12/17/2021

Completed 12/6/2021

Read - 1/2021

SECTION 4 – MODULE 4

Handout A: Sexual History Guideline

Name:

Pripathy

DIN:

18R1673

Date:

12/3/21

Approved:

Date:

Instructions: Write a detailed history in narrative form (essay) of sexual experiences from beginning to the present time using this guideline.

1. How did you learn about sex?
2. What did your parents tell you about sex?
3. When was your first sexual encounter? What age?
4. How did your views about sex develop?
5. When was your first sexual culmination? What age?
6. Describe your history of sexual arousal.
7. Describe the history of your own sexual abuse (if applicable).
8. When did you first think that your sexual behavior was a problem?
9. When was the first time someone told you that there was a problem with your sexual behavior?
10. Include behaviors that led to your sexual behavior, i.e. – viewing pornography, using mind altering substances, group behaviors.
11. When was your first criminal sexual offense? What was the result?
12. Describe your criminal history and how your sexual behavior was involved in your criminal behavior.
13. Did your sexual behavior include other participants other than the victim?
14. Describe your history of deviant arousal.
15. Were you ever involved in any type of treatment? When? Where? Why?
16. Describe your past relationships including the length of the relationship, the sexual pattern of the relationship, the frequency of sexual contacts, including deviant contacts.
17. Discuss how your sexual behavior has affected the relationships that you have had with your spouse/significant other.

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To: ORC T. Parker, SOCTP Program, Collins CF

From: Sanjay Tripathy, 18R1673, Collins CF

Date: Monday, December 13th, 2021

Subject: SOCTP Program (Low Risk) - Sexual History (revised) Section 4/Module 4

Sexual history assignment read out/discussed in group session/submitted written.

Note: Confidential/Privileged Disclosure (cannot be copied/shared/disclosed/ or referenced in any form without explicit/written authorization of writer in advance, else illegal)

1. How did you learn about sex?
I learnt through many inputs - school sex education, reading books, novels, magazines, documentaries, discussions with people/friends
2. What did your parents tell you about sex?
It was an essential and important human activity with a primary objective of procreation;
3. What was your first sexual encounter? What age?
Masturbation, about the age of 15-16;
4. How did your views about sex develop?
Changed from procreation only views to - it was ok for other purposes like enjoyment, entertainment and pleasure as long as it was among consenting adults with exposure to Porn, Sex Magazines, discussions with People/friends;
5. When was your first sexual culmination? What age?
1990; Age - 20;
6. Describe your history of sexual arousal?
Mostly ~~porn~~ porn magazines, porn movies, novels before I was 20, after that was with sexual partners (all consenting & adult) and Porn;
7. Describe the history of your own sexual abuse (if applicable)?
Does not apply to me;
8. When did you first think that your sexual behavior was a problem? Why?
Morally i always knew (due to my upbringing, personal moral values, religious teachings) that hiring/engaging with escorts was against my moral/ethical values (risks of disease, reputation, legal risks); but after my marriage having a spouse who I loved, cared for, respected and want to spend my life with and who was loving, caring, faithful - thus it was fundamentally wrong (breach of trust, breach of respect, loss of everything, effect on our marriage, affect on our kids); but i kept on till 2016 justifying it thinking wrongly (noone knows, it does not affect anyone, it is between consenting adults, most successful people I know do it); legally it was not wrong as it involved consenting adults in geographies where escorting/prostitution is legally permitted; but it was more/fundamentally wrong specially after my marriage (of almost 20 years) but I kept on;

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9. When was the first time someone told you that there was a problem with your sexual behavior?
2016 (after the incident) in my therapy sessions while I was on bail outside fighting my case (June 2016 to May 2018);
10. Include behaviors that led to your sexual behavior.
Viewing pornography, going to strip clubs, engaging with escorts/prostitutes
11. When was your first criminal sexual offense? What was the result?
This incarceration is my first (only) criminal offense, that I am fighting to reverse, as I am innocent and did not commit any of the charged crimes. I do not have any criminal history (sexual or otherwise, except this case), including when I was on bail. I do not have any other arrests, charges or cases whatsoever.
12. Describe your criminal history & how your sexual behavior was involved in your criminal behavior?
I do not have any (other) criminal history except this incident. In this incident I was accused of sexually assaulting the complaining witness (CW), where it was her word against mine. I went to Trial (did not plea bargain, did not strike a deal with the DA), testified on the stand in my defense, but was convicted by the Jury, and sentenced to 7 years. I testified (on record) that I had hired an escort, engaged in a consensual sexual encounter after paying her for sex, and subsequently when she tried to extort me, led to an altercation, where she sustained injuries, but CW complained/testified that I sexually assaulted her, it was a date, and she is not an escort/prostitute, and did not take money/has never taken money for dates/sex (despite People/ADA/Trial Court having 26+ text messages in their possession contradicting her testimony, which was 100% perjury but unknown to Defense/me as these messages were suppressed and not provided to us at the time; but have been discovered after my trial);
13. Did your sexual behavior include other participant other than the victim?
No, and it is really hard for me to call her a victim (see above), thus I refer to her as the CW, though she sustained injuries during the altercations, thus potentially is a victim;
14. Describe your history of deviant arousal?
When I was younger (in college) porn aroused me, and culminated in sex multiple times a day with my girlfriend at the time, who initially was just my sexual partner (more than a friend but with benefits) before we became serious. After we separated (lived in different cities, could not meet enough to sustain our relationship, were both very ambitious towards our careers, were also seeing other people mostly casually, and I travelled a lot with my work) and I also began my cycle of escorts (found it easy, no strings attached, no hassles, no commitments, none asks or questions, or needs to know, is fun with different experiences, sense of power, control dominance) combined with the fact that I did not want to settle down, but wanted my career to thrive, see and travel the world, make lots of money, wanted to check out more people, was afraid to commit, and potentially be anchored down, wanted to emulate some hyper-successful globe trotting executives, who had similar lifestyles I saw made me into

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/enjoy the feeling of power-control-dominance (sense of superiority, trophies & achievement from these incredibly good looking, successful in their own way women as escorts; these were not street walkers, but in most cases educated, successful, and extremely good looking women who did escorting part-time for money, fun and adventure, access to resources and contacts); superiority over human beings who have less control, less money, less success and were willing to sell themselves for money to someone who was not exactly Tom Cruise. In my therapy sessions we concluded I have low empathy, high degree of narcissism, not much attachment, small circle of people/family/friends/relationships I cared about/highly egoistic with a sense of materialistic achievements, lack of respect for people with less success, high degree of confidence with a keen ability to manipulate, ~~no sense~~ sense of loyalty/commitment, combined with ruthless execution, all fed into this cycle of power-control-dominance.

15. Were you ever involved in any type of treatment? When? Where? Why?
No formal or prescribed treatment, but me/my wife started seeing a therapist in North Carolina, so we could refocus on our marriage, work through trust issues, and I could safely discuss some of the issues I was facing. It was proactive but I stopped after I got convicted, but plan to resume after my exoneration.
16. Describe your past relationships including the length of the relationship, the sexual pattern of the relationship, the frequency of sexual contacts, including deviant contacts?
Besides my current marriage (married only once to my current wife of 20 years), the only other significant relationship was with my girlfriend (which started in college when I was 20 years old) which lasted till I was about 25 (about 5 years) before we just drifted apart (different cities, fear of commitment as we were young, extreme focus on career specially by me and my intense travel, wanted to explore more relationships). Sex was intense (started that way) mostly multiple times a day (both lived in off campus individual apartments with zero restrictions), and we were not shy, willing to experiment, but smart to ensure no disease or pregnancies occurred. We were both smart, very ambitious and wanted to experiment and experience different things thus started casually, then serious, and then again drifted our own separate ways. I was more of a globe trotter and her career was more anchored to a major city. Rest of sexual encounters were most casual either with friends, colleagues, co-workers, and escorts, but one-night stands for sexual purposes only. I was always careful about potential disease and public disclosures, so kept things under the radar, with no/very limited sharing of information to anyone. I don't smoke, or use any controlled substances (never have), and thus was extremely careful. Most of these encounters (in hindsight) fed into my cycle of power-control-dominance (I learned about it later) as triumphs/trophies/achievements, with limited emotional connection, due to ~~my~~ extremely low empathy. My motto was pretty simple - as long as it is between consenting adults, no-one needs to know, no-one is hurt, and thus no-one is affected. This started when I was about 21 and never stopped till June 15th, 2016 (the incident).

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17. Describe how your sexual behavior has affected the relationship that you have with your spouse/significant other.
I/we have been married almost 20 years and this is both of our first and only marriage. We have known each other longer (almost 25 years) and love, care for each other a lot, and would like to spend the rest of our lives with each other. We have kids, shared experiences, love and respect for one another, and are deeply invested in one another.
We both are highly educated (she has a double masters and is an AI engineer, driven, career and family oriented, but she made the conscious ^{choice} of taking it easy in her career as we both wanted kids, i had intense travel, was hyper-ambitious and to make things work she made the sacrifice career-wise. Initially sex was intense but then it diminished a bit, while I was getting sex outside marriage, my wife was always very faithful and morally conservative. Despite us having kids, with reduced sex she never complained despite reduced intimacy but started feeling lonely and not appreciated. I figured this is normal (and as I have seen in people married for long time sort itself out) but it did not help, though as mature adults we kept moving on. She always suspected me of outside sex but did not bring it out or complain. Though seemingly everything looked fine, it wasn't as I travelled more and we were less intimate and started drifting apart. Then, this incident happened and everything was in turmoil, came as a big shock but we discussed as adults ~~we both discussed~~, and for us/kids and our long term marriage she gave me 1 chance, if I fundamentally altered my ways (being faithful and with no risky/morally corrupt activities, and reinvigorating our relationship), we could still be together. I am grateful to God/my wife for this opportunity and have lived upto it (including 2 years on bail) and cannot wait to get exonerated, so not only can I make my wife happy, but continue to work on myself to be a better person, a better husband, a better father, so I can regain the respect of my loved ones, as that is paramount and the most important thing I desire, I seek, I want above all else, to prove that i can, I will, and I have changed for the better. This incident was a gross error, and despite me not engaging in the crimes, I was responsible for the moral transgressions which resulted in huge loss and grief, specially to my loved ones who matter the most to me, so help me God.

Sanjay
Sanjay Tripathy

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of New York

Date: Monday, December 13th, 2021

SOCTP Mandatory Assignment

3. DISCLOSURE

The following is an example of disclosure. This should be very similar to several sections of your Clarification, such as how you met your victim(s) and your instant offense(s) section.

My name is John and I am currently 35 years of age. I was convicted of my first sexual offense when I was 27 years of age. My victim, Debbie, was 14 years old at the time of the offense.

I first met Debbie at the school she attended. I worked as a janitor at the school and she would often say hi to me on her way to class. I used her friendliness to gain sexual contact with her. I groomed her by giving her extra snacks, as she came from a poor home and would often tell me she didn't have money for snacks.

One day, I asked her to help me bring some tools to my closet and she willingly complied. I then shoved her in the closet and forced her to orally sodomize me. I told her if she cried or made a sound, I would kill her and showed her my utility knife.

I was so angry with my wife recently leaving and her having refused me sex for months, that my distorted thinking helped give me permission to act in this way.

I knew what I was doing was wrong, but my need for sexual gratification and distorted thinking helped me to commit this terrible crime.

4. PERSONAL HISTORY

In this section, please use your Pre-Abuse from your Clarification and include any information that would help a Support Team member know you better.

5. CRIMINAL HISTORY

In this section, please list your criminal history using the following example:

<u>Year</u>	<u>Where Crime Committed</u>	<u>Charge(s)</u>	<u>Disposition</u>
1999	Syracuse, NY	Attempted Sexual Assault	4-5 Yrs. Consecutive
1999	Syracuse, NY	DWI	License Suspended

6. TREATMENT HISTORY

In this section, please list your treatment history to include any and all support groups and outpatient services (e.g. AA, outpatient mental health, sex offender) and inpatient treatment (e.g. Psychiatric hospital, rehab).
For example:

<u>When</u>	<u>What & Who</u>	<u>Where</u>
October 2005	90 Day AA Certificate	Bronx, NY
October 2005	Sex Offender Therapy Dr. Smith	Bronx, NY
November 2006	Mental Health Counseling J. Davis - Psychologist	Onondaga Mental Health Syracuse, NY

7. TOP TEN TRIGGERS

In this section, please identify and discuss the top 10 triggers for sex offending and top 10 triggers for substance use/abuse.

Triggers come from the environment around us and from within us. They can be anything that causes us to think and feel. They can be a sight, sound, smell or feeling. For example: Hearing a can open can trigger memories/thoughts of drinking beer. Watching pornography triggers sexual arousal.

8. TOP 10 COGNITIVE DISTORTIONS

In this section, please identify and discuss the Cognitive Distortions you had at the time of your offense(s) and continue to have today. Some examples of Cognitive Distortions include, but are not limited to:

Entitlement
Lack of Empathy
Catastrophizing
Super-Optimism
Apathy

Blaming
Denial
Minimizing
Magical Thinking
Universal Thinking

Helplessness
Narcissism
Justifying
Victim Stance

Level 2 Disclosure Assignment Ms. J and Ms. Rogers' group:

Due to the pause, the disclosures will need to be a handwritten assignment. If you have more than one victim, you will need to complete this for each victim. A disclosure provides a general overview of any sexually offending behaviors that occurred (or you were accused of) across your lifespan. This should include:

- community based offenses
- prison sex offenses/lewd conduct tickets
- youthful offender/JD offenses
- parole violations
- or anytime your sexual behavior was pointed out to you as being inappropriate or could have been perceived as being inappropriate

In essay format (starting with your first victim, if there are more than one victim, you will need to write a disclosure for each one, you will go in chronological order) answer the following:

1. Name of victim(s) (1st name only)
2. Age of victim(s) at time of the offense(s)
3. Age you were at time of offense(s)
4. Relationship between you and your victim(s)
5. How did you offend your victim(s)-you will need to be specific in this section
6. What level of responsibility do you take for your offending behaviors

*Remember! We only want you to discuss the **BEHAVIORS!** We do not want the legal charges or convictions.

7. If you do not take responsibility for your sexually offending behaviors, discuss what led up to you being accused.

*Disclosures for non-contact sex offenses (Ex: child pornography):

- What types of pornography were you looking at?
- When did you first start looking at this type of pornography?
- What was the age range of the children?
- Was it child/child...child/adult?
- Male/female children? Both?
- How much time were you spending online looking at pornography?

In order to receive credit for this assignment, the assignment should answer all of the topics and be well detailed. Remember, we were not there! It is up to you to tell us what happened, please do not assume we know! If you have any questions, we will be around to answer them, or you can drop us a tab.

Due Date: Wednesday, January 19th

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An innocent man illegally incarcerated and religiously persecuted by The State
of New York and State Actors under the Color of Law [Officially/Personally]

MANDATORY SOCTP PROGRAM ASSIGNMENT

To: L. Jakiela, LMSW2; T. Rogers, ORC; SOCTP Program, Collins CF

From: Sanjay Tripathy; 18R1673, Collins CF

Date: ~~Monday, March 28th, 2022~~ *Wednesday, March 23rd/2022*

Subject: SOCTP Program [Level-2/Moderate-Risk] Disclosure Assignment [Mandatory]

Note: Assignment [Outline]; Readout/Discussed in Class with Staff and II; This Information is Privileged/Confidential and is prohibited from any Disclosure [shared/copied/referenced/quoted] in any form without explicit written authorization of writer [in advance; under Penalty of Perjury]; Violations [any] will be pursued to the fullest extent under law;
PRIVILEGED/CONFIDENTIAL/NOT to be SHARED

Disclosure:

1. Documents:

- PSI Report [available; DOCCS has access];
- Sentencing Minutes [available; DOCCS has access];
- Trial Transcripts [available; DOCCS can Order];
- NY County Record of Complainant's Deposition [available; provided to DOCCS];
- NY Court of Appeals Record [available; provided to DOCCS];

2. Criminal Case [Summary]:

Writer was sentenced to 7 years [NY County Supreme Court] for sexual assault after a Jury Trial, where he testified in his Defense. Case was primarily based on complainant's word against his. Writer has always maintained his innocence and is pursuing legal remedies for exoneration. Writer has no criminal history [except this case] including his 2 years on bail [May 2016 to May 2018] before his conviction [after the incident] fighting his case.

3. Institutional History [Summary]:

Writer has no disciplinary infractions and has completed all offered programs to date in over 47 months of captivity [out of 72 months], while navigating the inhumane and stressful prison environment.

4. Disclosure:

1. Name [Complainant]: Mette
2. Age [Complainant]: 33
3. Age [Writer]: 46
4. Relationship: Writer hired complainant as an Escort [Prostitute]

5. Offense [directly from PSI Report; Page 3 of 7 Description of Present Offense]:

On or about Date/Time the defendant, Sanjay Tripathy, and the complainant were inside of the W-Hotel in New York County. The defendant locked the door of the room and prevented the complainant from leaving. The defendant then struck her numerous times in her face and body with a closed fist causing her to suffer bruising, redness, swelling to her face and body and to suffer a bloody nose and lip, and substantial pain.

Subsequently, the defendant pushed the complainant down on the bed and placed his hands around her neck and caused her to have difficulty breathing.

The defendant then inserted his fingers into her vagina and her anus without her consent and inserted his penis into her mouth without her consent.

Summary of Defendant's Statement:

The defendant denied guilt in the instant offense. He stated the charges are not correct. He sincerely regrets the injuries sustained by the complainant.

6. I am 100% responsible for hiring an escort [prostitute], engaging in Oral sex [consensual between 2 consenting adults; sex in exchange of money] and after an extortion attempt [threats/shoving] responsible for the injuries sustained by complainant. I did not sexually assault the complainant and did not engage in any of the charged crimes.
7. Thus, I do take responsibility for the injuries [post sexual contact which was 100% consensual; sex in exchange of money] and strongly believe that the complainant wanted to extort me and the altercation was a result of it, that then led to her lying/Perjury. Me/my attorney now have 100% documentary proof [unavailable earlier before Trial/Sentencing] that the complainant committed Perjury [lied under oath] in full knowledge of the DA/Court. I believe complainant's motive is money [she has a similar case in Florida too].

Respectfully Submitted,

Sanjay Tripathy
3/23/2022
Sanjay Tripathy

How to Complete the Sex Abuse Cycle

SEX ABUSE CYCLE

We have designed the following guidelines to assist you in completing your Sex Abuse Cycle. They are designed to guide you in a step by step manner, so that you are able to present your Cycle in an accurate and confident manner. These guidelines are to be used together with instruction from staff and remember: failure to follow directions results in an unsuccessful Cycle Interview.

PRETEND NORMAL PHASE

This section is similar to the Pre-Abuse section of the Clarification. In this section, you will provide a "snapshot" of your life 3-6 months prior to your Instant Offense in the following areas: Included in each section is how you pretended that life was "normal" when you were aware that you were experiencing life difficulties.

Each of these sections should be at least 1 paragraph.

LIVING ARRANGEMENTS (Who you were living with prior to IO and relationships with them)

3-5 thoughts
3-5 feelings

SOCIAL (Friends, Associates)

3-5 thoughts
3-5 feelings

RECREATIONAL (Leisure activities)

3-5 thoughts
3-5 feelings

OCCUPATIONAL (Work)

3-5 thoughts
3-5 feelings

EDUCATIONAL (College, Voc. Training)

3-5 thoughts
3-5 feelings

FAMILY (Spouse, Family members you interacted with)

3-5 thoughts
3-5 feelings

MARITAL/DATING (Who, and type of relationship)

3-5 thoughts
3-5 feelings

SUBSTANCE ABUSE (If applicable)

3-5 thoughts
3-5 feelings

BUILD UP PHASE**TRIGGERS**

- 1) List 5-10 Sex Offending triggers. Triggers are anything in the environment that causes you to have thoughts/feelings regarding sex. (Internal or External)
**be sure to include triggers that occurred immediately prior to offending.
- 2) List 5-10 Chemical Use/Abuse triggers. These triggers are anything in the environment that causes you to have thoughts/feelings regarding chemical use/abuse. *If you don't have chemical use/abuse skip this section.

How to Complete the Sex Abuse Cycle

SEEMINGLY UNIMPORTANT DECISIONS (SUD'S)

List 5-10 seemingly unimportant decisions that directly led to your offending. SUD's are decisions that you made that at the time, didn't seem to be important, but directly contributed to your offending. For example: You are trying to stay sober, you agree to go to a friend's birthday party and large quantities of alcohol are available and you drink. You decide to drive home and are stopped by police for DWI.

HIGH RISK FACTORS (HRF'S)

List 3-5 High Risk Factor's that directly contributed to your offending behavior.

HRF's are situations that more than likely will lead you to engage in offending behaviors.

Example: A man who has an attraction to underage girls gets a job as a girls' basketball coach.

MALADAPTIVE COPING RESPONSES (MCR'S)

List 5 MCR's that directly led to your offending.

MCR's are all the unhealthy and inappropriate ways you demonstrated not coping well with stress in your life.

Example: A man has relationship problems with his girlfriend and then engages in watching child porn and masturbating daily to these images to cope with his anger and frustration.

LAPSES

Lapses are the first sexually deviant thoughts, feelings and behaviors you had regarding your victims.

Lapses are returns to old thoughts, feelings, and attitudes that may have contributed to your offending behaviors.

List any lapses you experienced.

ABSENCE VIOLATION EFFECT (AVE'S)

List 3-5 AVE's that directly led to your offending.

AVE's are all the negative self-talk statements and thoughts that you had about yourself prior to sexually acting out. AVE's also include problem of immediate gratification (PIG phenomenon).

In other words: What were the negative thoughts you had about your life and yourself- ways you put yourself down. Be sure to include what your thoughts were in regards to the sexual deviant thoughts/plans you were having.

Example: "I must be a monster," "I am a loser," and "It would be better if I died."

CONNECTING THE DOTS

Link your triggers → SUD's, your SUD's → HRF's, your Lapses → MCR's, and your MCR's → AVE's.

FANTASY/PLANNING/GROOMING

FANTASY (Discuss 3-5 sexual fantasies as they relate to your offending behaviors. This section needs to be specific. Include the thoughts, images and thinking patterns involved.

- 1) Who were the fantasies about?
- 2) What were you doing to that person (people) and what were they doing to you (BE SPECIFIC)?
- 3) How often did the fantasy lead to masturbation?

PLANNING

- 1) Discuss how you planned to offend your victim(s)
- 2) How long were you in a planning stage prior to your offense?
- 3) Discuss 5-10 thoughts about acting out your sexual fantasy (fantasies).

How to Complete the Sex Abuse Cycle

- 4) Discuss 3-5 behaviors that resulted from those thoughts.

GROOMING

- 1) **Physical:** Discuss 3-5 ways you desensitized the victim(s) to your physical touch. If this is not applicable, explain why?
- 2) **Psychological:** List 3-5 statements you made to your victim(s) to reduce resistance, gain compliance, lessen likelihood of discovery or why it is not relevant. What did you say to your victim(s) to make it easier to gain sexual contact?
- 3) **Social Environment:** Discuss 3-5 ways you manipulated people close to the victim(s) in order to gain sexual contact. Also include ways in which you groomed the people close to you into believing you were doing the right thing.
- 4) **Self:** Discuss 3-5 ways you groomed yourself-gave yourself permission and prepared yourself to make it acceptable to sexually offend.

ACTING OUT PHASE

In this section, you will describe your sexually offending behaviors as you would in a disclosure.

PAYOFFS/RELEASE FOR THE CRIME

Discuss all the payoffs for the crime. In other words, what rewards and/or releases did you receive as a result of your sexual offending (BE SPECIFIC)?

JUSTIFICATION PHASE

In this part of the Cycle, you will discuss the "Downward Spiral" that many sex offenders experience after their acting out.

- 1) **DESPAIR-** This includes fear, shame, guilt, and depression. Which of these were you impacted by? Discuss which of the above does not apply to you and why.
- 2) **DEFENSES-** Minimizing, denying, rationalizing, justifying and blaming. Which of these did you engage in and why?
- 3) **COVER-UP-**
 - False Remorse- Pretending to feel sad, guilty or ashamed for your victim. If you didn't experience this, explain why not.
 - False Resolve- These are non-genuine promises not to sexually offend your victim again. If you didn't experience this, explain why not.
- 4) **SUPPRESSION-** This refers to the "pushing down" the thoughts of what you did. Your attempts to "forget" about what happened so you can enter the Pretend Normal Phase again. If you did not suppress explain why.

Tips for a Successful Presentation:

- Practice with your peers. Be open to feedback.
- Make sure you answered all questions.
- Know your definitions and how they apply to you.



HOW TO COMPLETE THE CLARIFICATION

The word "clarify" means to be specific or make clear. This is your task when writing the various sections of your Clarification. We have designed the following guidelines to assist you in completing your Clarification. They are designed to guide in you in a step-by-step manner, so that you are able to present your Clarification in an accurate and confident manner. These guidelines are to be used together with instruction from staff. Remember: Failure to follow directions results in an unsuccessful Clarification interview.

- Remember: We do not want the "Lie to Comply" or "Fake it till you make it" participation. Be honest and you will have a greater chance of making the changes necessary to be successful in the community and in life.

Section 1: PRE- ABUSE

Pre-abuse is the first section of the Clarification. It should contain:

- A. Snapshot of your life 3-6 months prior to your offense.
- B. Patterns of Behavior.

A. Snapshot of your life 3-6 months prior to your offense:

In this section, you will discuss what life was like for you (positives and negatives) in the following areas 3-6 months prior to your offense:

- **Family/Living Arrangements:** (where living, who did you live with & relationship with them.)
- **Work:** (where, how often, job title.)
- **Education:** (Where, course of study, career goals.)
- **Social:** (Who did you socialize with, were they a positive or negative influence.)
- **Leisure:** (What did you do for fun, hobbies.)
- **Substance Use/Abuse:** (What, how much, how often, where and with who.)

Each of the above areas should be at least a paragraph. At the end of each section, you should include 3-5 thoughts and then 3-5 feelings.

For example: WORK:

3-6 months prior to my offense, I worked on a farm about 30 hours per week doing odd jobs. I milked cows, fed the animals, fixed the fences and did just about anything asked of me. The pay was terrible, but it was the only job I could get.

Thoughts: *I need a new job because this one doesn't pay my bills.
I should've stayed in school – I probably would have a better job.
I'll just sell drugs to make up for what this farmer isn't paying me.*

Feelings: *Angry, frustrated, hopeless and depressed.*

NOTE: If you were not working, involved in some education and/or not abusing substances, use the following format when discussing these sections:

- I was not involved in any education 3-6 months prior to my education.
- Thoughts (on not being in school/college) 3-5
- Feelings (on not being in school/college) 3-5

B. Patterns of Behavior

You will be provided a worksheet with the same title, which is designed to "map" your patterns of behavior that when combined together, lead to your sexual offending behavior.

A pattern of behavior is any habitual activity you engage in. (i.e., smoking a pack of cigarettes for the past 3 years or masturbating to pornography on a regular basis.)

- Look at your *Patterns of Behavior* Worksheet. You will see what looks like a pizza pie with some sections labeled and others blank.
- You will see three "slices" labeled *DECEPTION*, *SEXUAL DEVIANCY* and *POOR COPING*. These are patterns of behavior that everyone must discuss. We will explain this below.
- The blank "slices" are for you to label your specific patterns of behavior that directly resulted in your incarceration.

The following are some of the more common Patterns of Behavior for Sex Offenders:

- Impulsivity (Acting first, and then thinking about consequences later)
- Violence
- Substance Abuse
- Power and control
- Narcissism (It's all about me, my needs come first, sense of entitlement)
- Poor Judgment
- Recklessness
- Criminal Behavior

NOTE: This worksheet is not to be included in the Clarification. It is merely a tool to assist you in writing the Patterns of Behavior Section.

When your worksheet is complete, you will be ready to write out your Patterns of Behavior using the following format:

- At the top of a new piece of paper, write **PATTERNS OF BEHAVIOR**.
- Choose a pattern to discuss and write it using the format below:

EXAMPLE:

DECEPTION:

3-5 Thoughts (about being deceptive)

3-5 Feelings (about being deceptive)

3-5 Examples of your deceptive behavior as it relates to your sexual offending behaviors

Thoughts: *What people don't know won't hurt them.
The victim will never know that I'm manipulating her.
By telling her "I love you", she'll never suspect me of wanting to rape her.
If I pretend to be nice to people, they won't know who I really am.*

Feelings: *Nervous, guilty, excited, and aroused.*

Examples: *I told the victim I would never hurt her.
I told her she was the only one, despite my being married.
I helped her parents on the weekend, so I could get close to her.*

Note the above format of 3-5 thoughts, 3-5 feelings and 3-5 examples. You will use this format for all of the patterns of behavior identified.

NOTE: You may be asked to add and/or remove certain behavior patterns by staff.

You are now finished with the Pre-Abuse Section!

Section 2: THE VICTIMS OF MY OFFENDING BEHAVIOR(S)

(Remember to start this section at the top of a new sheet of paper and label the top.)

- A. Describe how you met the victim of your offending behavior. **This should be approximately a few sentences.**
- B. Describe the victim and give a brief statement of how you manipulated him/her into sexual contact. **This should be approximately a few sentences.**
- C. Describe the victim's good qualities and the ways that you took advantage of those to get sexual contact. **This should be approximately one paragraph.**
- D. Describe the victim's vulnerabilities and the ways that you took advantage of those to get sexual contact. **These are NOT the same as good qualities and this section should be about a paragraph.**

Section 3: HOW I ISOLATED THE VICTIM(S) OF MY OFFENDING BEHAVIOR

(Remember to start this section at the top of a new sheet of paper and label the top.)

- A. Describe the process of **how** you isolated (removed) the victim(s) from:
- o Their day to day environment (school, home, work)
 - o Their family and/or friends.

Remember: Isolating behavior often begins well before the actual sex offense. If you did *not* isolate the victim in one of the above ways, state that and explain how you didn't and why.

Section 4: HOW I GROOMED THE VICTIM(S) OF MY OFFENDING BEHAVIOR

(Remember to start this section at the top of a new sheet of paper and label the top.)

Describe how you groomed the victim(s) in the following ways:

A. PHYSICAL GROOMING:

What and how did you desensitize the victim(s) to your touch so sexual contact could be gained?

B. PSYCHOLOGICAL GROOMING:

What are the verbal statements (and non verbal cues) that you used to reduce resistance and gain control so sexual contact could be gained?

C. GROOMING THE SOCIAL ENVIRONMENT:

Which deceptive behaviors or techniques did you engage in to make others (family, friends, co-workers, etc) unaware of what you were planning/doing?
Example: Helping the parents of the victim move.

NOTE: Depending on your offense, you may not have engaged in all of the above forms of grooming; if one doesn't apply, state that and explain why it does not apply to your offense.

Section 5: MY OFFENDING BEHAVIOR(S)

- A. Describe what you did (THE BEHAVIOR) that resulted in your incarceration. Be clear and specific and include approximately how often and over how long a period of time the offending behavior(s) occurred.
- B. Include what you said to the victim(s) before, during and after your offending behavior.

- C. Include what the victim(s) said to you while you were sexually offending them. Also, describe anything you made the victim(s) say to you while you were sexually offending them.
- D. Describe how you planned to blame the victim, or how you would "explain things" if your offending behaviors were ever discovered.

NOTE: This section should be consistent with the records that document your behavior. Some examples are: levels of violence, level of injury to the victim(s), number of victims and patterns of sexually offending behavior.

Section 6: RESPONSIBILITY

The focus of this section is you demonstrating responsibility for your offending behavior. This will be written in several sections as follows:

- o **Taking ownership of your offense(s).** Discuss your responsibility for your offending behaviors. Include statements that demonstrate how you are accepting responsibility.
- o **Victim Harm.** In this section, you will demonstrate knowledge of how your behaviors harmed the victim(s) in the following areas: (Each area should be a paragraph in length.)
 - ✓ Psychologically
 - ✓ Educationally
 - ✓ Emotionally
 - ✓ Financially
 - ✓ Physically
 - ✓ Sexually
 - ✓ Socially

Most sex offenders are unaware of how they harmed the victim(s). If this applies to you, you will write and verbalize information from the *Victim Awareness* discussions in Core Group. You will also utilize the *COMMON PROBLEMS EXPERIENCED BY VICTIMS OF SEXUAL ABUSE*. (See *Victim Harm* handout.) If you are aware of the harm you caused to the victim(s), then you will write and verbalize how the victim(s) were harmed in the areas from page 5.

Remember: This section should be consistent with the records.

- o **Extended Victims.** Discuss the extended victims of your offense to include people connected to the victim that would be harmed as a result of their loved one being harmed. Next, discuss the people connected to you that were harmed (i.e., family, friends, and coworkers).
- o **Explain why you did it.** Why was sexual contact so important that you would engage in offending behavior to get it? Also describe **where** and **how** you learned this behavior.

- Describe all of your cognitive distortions prior to and during your offending behavior. What ways did you give yourself permission to sexually act out?

THINGS TO REMEMBER TO ENSURE YOU HAVE A SUCCESSFUL CLARIFICATION:

- A. Ask questions!! If you are unsure of the requirements, ask the Core Group staff and peers in your group for assistance.
- B. Inmates have reported having less difficulty with this assignment when they are honest and not trying to deceive staff and themselves.
- C. When finished with your written work, have peers "interview" you and be open to their suggestions and feedback. This practice will help you prepare for your interview in group.
- D. Take pride in your work! Make sure your written clarification is neat, organized and in the proper format. Please staple your clarification prior to presenting it.
- E. Keep your Clarification until the day you are interviewing. You will be asked to provide it to Core group staff prior to your interview.



Revised 11/10/09 KJC

D-5

PATTERNS OF BEHAVIOR

For Pre-Abuse section of the Clarification

Thoughts

Feelings

Examples

Poor Coping

Deception

Sexual Deviant Behavior

Please label your patterns of behavior that contributed to your Offending Behavior. Include thoughts, feelings and behaviors with each pattern.

D.S.

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